

10654. Adulteration and misbranding of olive oil. U. S. * * * v. 21 Gallons and 14 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 14848, 14952. I. S. Nos. 8212-t, 6498-t. S. Nos. E-3349, E-3365.)

On May 11 and May 22, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 35 gallons of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Southern Olive Oil Co., New York, N. Y., on or about February 17 and March 29, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for olive oil. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Lucca Olio Soprafino D'Oliwa 1 Gallon Net," together with the use of the Italian language, appearing on the cans containing a portion of the article, and the statements, to wit, "Net Contents One Quarter Gallon Caruso Puro Olio D'Oliwa * * * Product of the Campagna Anonima Raffinerie Unite Susa—Oneglia Incorporated in the U. S. of America under the name of Southern Olive Oil Co. This can contains the best olive oil ever produced. It has been packed by the most sanitary system," together with a cut of olive branches bearing olives, appearing on the cans containing the remainder of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that the article purported to be a foreign product when not so, for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements set forth on the said packages were not correct.

On November 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, after the labels had been obliterated from the said cans.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10655. Misbranding of celery seed, mustard seed, ground nutmeg, black pepper, and sour salt. U. S. * * * v. National Spice Co., Inc., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15001. I. S. Nos. 6899-t, 6900-t, 6901-t, 6902-t, 6905-t.)

On January 9, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Spice Co., Inc., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of New Jersey, on or about March 2, 1920, of quantities of celery seed and mustard seed, and on or about April 16, August 4, and October 6, 1920, respectively, of quantities of ground nutmeg, black pepper, and sour salt, respectively, all of which were misbranded. The articles were labeled in part, respectively: "* * * National Spice Co. National Brand Pure Celery Seed;" "National Brand * * * Pure Mustard Seed;" "* * * National Brand Pure Ground Nutmeg;" "* * * National Brand Pure Black Pepper;" "* * * Sour Salt $\frac{1}{8}$ Oz. Net Wt. * * * National Brand Pure Tartaric Acid (Sour Salt) * * *"

Examination of a sample of the sour salt by the Bureau of Chemistry of this department showed on 50 packages an average shortage from the declared weight of 21.8 per cent.

Misbranding of the sour salt was alleged in the information for the reason that the statement, to wit, " $\frac{1}{8}$ Oz. Net Wt.," borne on the cartons containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said cartons contained $\frac{1}{8}$ ounce, net weight, of the article, and for the further reason that it was labeled as afore-said so as to deceive and mislead the purchaser into the belief that each of the

said cartons contained $\frac{1}{8}$ ounce, net weight, of the article, whereas, in truth and in fact, each of the said cartons did not contain $\frac{1}{8}$ ounce, net weight, of the said article, but did contain a less amount. Misbranding of the articles involved in all the consignments was alleged for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 8, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10656. Adulteration and misbranding of olive oil. U. S. * * * v. 8 Gallons of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15091. I. S. No. 6978-t. S. No. E-3397.)

On June 27, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 gallons of alleged olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Arony and Papitsas, New York, N. Y., on or about April 28, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article considered as a drug was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, to wit, olive oil, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia. Adulteration of the article considered as a food was alleged for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements on the labels on the cans containing the article, to wit, "One Gallon Pure Olive Oil Guaranteed Superfine Trento Trieste Lucca Italy This Pure Olive Oil is guaranteed under any chemical analysis in accordance with the law of the United States for the imported products. Excellent for table and medicinal use," together with a design of the Italian flag and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was manufactured and produced, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of each package.

On November 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, after the label had been obliterated from the said cans.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10657. Adulteration and misbranding of table oil and misbranding of olive oil. U. S. * * * v. 8 Gallons, et al, of Alleged Olive Oil and 21 Cans of Alleged Table Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15042, 15132, 15189. I. S. Nos. 6961-t, 6980-t, 6979-t. S. Nos. E-3379, E-3408, E-3460.)

On June 14, July 14, and July 18, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 21 cans of table oil and 8 gallons and 20 cans of olive oil, remaining in the original unbroken packages, in part at Pittston, Pa., and in part at Scranton, Pa., alleging that the articles had been shipped by the Caserta Importing Co., New York, N. Y., on or about May 17, and June 10, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding of the said table oil and misbranding of the said olive oil in violation of the Food and Drugs Act, as amended. The so-called table oil was labeled in part, (can) "Finest Quality Table Oil Tipo Termini Imerese * * * 1 Gallon Net." The olive oil was labeled in part, (can) " * * * Caserta Brand Net Contents One Full Gallon " (or "One Half Gallon") " * * * Pure Olive Oil. * * *